

## REMARKS

This Response is submitted in reply to the Office Action dated May 23, 2008. Claims 1 to 25 are pending in this application. Claims 1, 16, and 21 have been amended. No new matter is introduced by these amendments.

Applicant is submitting herewith a Request for Continued Examination. Please charge Deposit Account No. 02-1818 to cover the cost of the RCE and any other fees due in connection with this Response.

The Office Action rejected Claims 1 to 5, 11 to 14, 16, and 21 to 24 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,168,523 to Piechowiak ("Piechowiak") in view of U.S. Patent No. 5,851,148 to Brune ("Brune"). Applicant respectfully disagrees with these rejections. Nevertheless, Applicant has amended certain of the claims for clarity. If the Examiner would like to discuss further clarifications to the claims, Applicant respectfully requests that the Examiner contact the undersigned.

Piechowiak discloses a gaming system which includes a plurality of linked gaming machines connected to a common controller. In a first embodiment of the linked gaming system of Piechowiak, during normal operation of the gaming machines, a feature controller periodically polls each of the gaming machines for game results generated by each of the gaming machines (Col. 3; lines 45 to 49). The feature controller compares the game results of each polled gaming machine to feature enabling criteria to determine whether one or more predetermined features should be enabled. The feature enabling criteria may include any of a variety of conditions (Col. 3; lines 55 to 60). If the feature controller determines that the feature enabling criteria has been met, the feature controller enables the feature. In one embodiment, the feature operates to double the award normally associated with a certain game result (e.g., four-of-a-kind). Both the feature award criteria and the feature enabling criteria may embody various conditions (Col. 4; lines 57 to 59).

In a second embodiment of Piechowiak, the gaming system is associated with a bonus feature where the generation of combinations of bonus symbols (i.e., bonus hits) causes the controller to build up a pooled bonus value based upon the values of the combinations of bonus symbols generated by the linked gaming devices. When a

player playing at one of the linked gaming devices obtains a bonus hit which causes the pooled bonus value to meet or exceed a predetermined threshold value, a bonus award is provided to the player who caused the threshold value to be exceeded.

Brune discloses a game, such as video poker, which includes a feature that provides an incentive for multiple hand or multiple game play. In one embodiment, some or all of the cards of each hand, such as the necessary winning cards, are used to increment the value in corresponding memory locations. When a given memory location reaches a predetermined value, an indicator or panel corresponding to that memory location and the corresponding card is illuminated. When all indicators or panels of the panel display are illuminated, the player wins a bonus award which may be based on the amount wagered. Brune discloses a bonus meter which displays the amount of the bonus award. The bonus award is incremented by an amount that is a function of the amount of a wager placed by the player. That is, after each wager is received, the amount of the bonus award is incremented by a percentage or portion of the total wager placed and is displayed in the bonus meter.

Amended independent Claim 1 is directed to a gaming device which includes, among other elements: (a) a base game operable upon a wager by a player, wherein the wager includes a player-selected variable first component and a player-selected variable different second component; (b) a bonus game triggered if the player selects at least a threshold amount for the first component of the wager in the base game and achieves a designated outcome in the base game; and (c) a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected different second component of the wager in the base game, wherein the amount of the change is independent of any outcome achieved in the base game.

The Office Action acknowledges that Piechowiak does not disclose that each time a change of the meter occurs during the bonus game, the change is based on the second component of the wager in the base game. The Office Action relies on Brune for its teaching of the use of a wagering component (i.e., the amount wagered) to affect the amount of change of a bonus meter. The Office Action concludes that it would have

been obvious to one of ordinary skill in the art at the time of invention to combine the bonus game and bonus meter of Piechowiak with Brune's disclosed method of changing the meter based on a second wagering component, as Piechowiak states that any criteria may be used in determining when to award a bonus (Col. 4; lines 57 to 59).

As motivation for the combining the bonus meter of Piechowiak with Brune's disclosed method of changing the meter, the Office Action relies upon a portion of Piechowiak's disclosure at Column 4, lines 57 to 59, which states that "both the feature award criteria and the feature enabling criteria may embody various conditions." However, this statement refers to the first embodiment of Piechowiak, and not to the alternative embodiment where a pooled bonus value builds up based on bonus hits generated by the linked gaming devices. Piechowiak provides no motivation for combining the cited references in the manner proposed by the Office Action, and therefore the obviousness rejection is improper.

Moreover, regardless of whether it would have been obvious to modify Piechowiak in the manner proposed by the Office Action, the gaming device resulting from the combination of Piechowiak and Brune does not achieve the gaming device of independent Claim 1. More specifically, Piechowiak and Brune, either alone or in combination, do not disclose a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected different second component of the wager in the base game, wherein the amount of the change is independent of any outcome achieved in the base game.

As discussed above and as acknowledged by the Office Action, Piechowiak does not disclose a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected different second component of the wager in the base game, wherein the amount of the change is independent of any outcome achieved in the base game. Brune also does not disclose this element and, therefore, does not remedy the deficiencies in Piechowiak.

More particularly, in Brune, the gaming device includes a panel display which tracks a player's progress toward the goal that must be achieved to win the bonus

award (i.e., illuminating all of the panels). The player's progress toward the goal is based on how many cards in any given hand are necessary cards. Thus, the panel display changes during the game based on the outcome of each hand played. The gaming device further includes a separate bonus meter, which displays the bonus award. The amount displayed in the bonus meter is the amount that will be awarded to the player when the player achieves the goal. The amount displayed in the bonus meter grows based on wagers placed. Specifically, after each wager is placed in Brune, the amount of the bonus award is incremented by a predetermined percentage of the total wager amount placed (Brune, Fig. 2, element 214). For example, if a \$5.00 wager is placed, the bonus meter of Brune increases by 25 cents, which is 5% of the total \$5.00 wager placed (Col. 3, lines 1 to 8).

In the gaming device of amended independent Claim 1, on the other hand, each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected different second component of the wager in the base game, wherein the amount of the change is independent of any outcome achieved in the base game.

For example, the following table summarizes the wagering structure and the amount by which the meter can increment for each of the four spins of the reels illustrated in Figs. 7 to 10 of the present application.

**TABLE 1**

Spin	# lines wagered	Wager amount per line	Total wager placed	Amount of change in meter
1	5	3	15	3
2	5	5	25	5
3	5	2	10	2
4	5	2	10	2

The following table shows four spins which employ the same wagering structure as above, but utilize the Brune method of incrementing the meter:

**TABLE 2**

Spin	# lines wagered	Wager amount per line	Total wager placed	Amount of change in meter

1	5	3	15	.75
2	5	5	25	1.25
3	5	2	10	.50
4	5	2	10	.5

As illustrated by TABLE 1, in the gaming device of Claim 1, each time a change of the meter occurs, the change is of an amount which is based on the selected different second component of the wager. The total wager includes a player-selected number of lines wagered (i.e., the first component of the wager) and the player-selected wager per line (i.e., the second component of the wager). The second component is different and selected separately from the first component. For example, if a player chooses to wager on fewer lines (i.e., reduces the first component) but maintains the same bet per line (i.e., the second component remains the same), the overall wager amount would be reduced, but the amount by which the meter changes remains the same. In this manner, the player can reduce the overall wager placed without affecting the amount by which the meter changes. This is because the amount of the change of the meter is based on the selected different second wager component.

As discussed above and as illustrated in TABLE 2, Brune uses a percentage of the total wager placed to determine the amount by which the bonus meter will change or increment. Thus, if a player places a larger overall wager for a play of the Brune gaming device, a larger amount will be allotted to the bonus meter. Correspondingly, if a player places a smaller overall wager for a play of the game, a smaller amount is allocated to the bonus meter.

Accordingly, Brune does not disclose a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected different second component of the wager in the base game, and the amount of the change is independent of any outcome achieved in the base game. Therefore, Brune does not remedy the deficiencies in Piechowiak.

Finally, the Office Action appears to be combining various features of Brune's panel display and bonus meter in an attempt to achieve the meter of independent Claim

1. The Office Action then proposes modifying Piechowiak to include this re-created meter.

The Office Action is improperly working backwards from the claimed invention and piecing together elements from different references to form the claimed invention. Obviousness cannot be based on the hindsight combination of components selectively culled from prior art to fit the parameters of the claimed invention. The Office Action's picking and choosing among individual parts of assorted prior art references as a mosaic to recreate a facsimile of the claimed invention is improper.

In this case, it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine Piechowiak and Brune to result in the gaming device of independent Claims 1 without reasonably being construed as improper hindsight reconstruction. Only with the benefit of hindsight reasoning is the Office Action picking and choosing different elements from Piechowiak and Brune to recreate the claimed invention to form the basis of these rejections. Such reasoning is improper and thus these rejections are also improper.

For at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over Piechowiak and Brune.

Amended independent Claim 16 is generally directed to a gaming device which includes, amongst other elements: (a) a slot game operable upon a wager by a player, the wager including a player-selected number of paylines played and a player-selected wager amount per payline; (b) a bonus game triggered if the player selects at least a threshold amount for the number of paylines played and achieves a designated outcome in the slot game; and (c) a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the amount selected for the wager per payline, wherein the amount of the change is independent of any outcome achieved in the base game.

For reasons similar to those given above, Applicant respectfully submits that amended independent Claim 16 and the claims depending therefrom are each patentably distinguished over Piechowiak and Brune.

Amended independent Claim 21 is generally directed to a gaming device which includes, amongst other elements: (a) a slot game operable upon a wager by a player, the wager including a player-selected number of paylines played and a player-selected wager amount per payline played; (b) a bonus game triggered if the player selects at least a threshold amount for the wager per payline played and achieves a designated outcome in the slot game; and (c) a meter displayed in the bonus game which is changeable after the bonus game is triggered, wherein each time a change of the meter occurs during the bonus game, the change is of an amount which is based on the selected number of paylines played, wherein the amount of the change is independent of any outcome achieved in the base game.

For reasons similar to those given above with respect to amended independent Claim 1, Applicant respectfully submits that amended independent Claim 21 and the claims depending therefrom are each patentably distinguished over Piechowiak and Brune.

The Office Action rejected Claim 6 under 35 U.S.C. 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,186,894 to Mayeroff. Applicant respectfully submits that the patentability of independent Claim 1 renders this rejection moot.

The Office Action rejected Claims 7 and 8 under 35 U.S.C. 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 5,823,873 to Moody. Applicant respectfully submits that the patentability of independent Claim 1 renders this rejection moot.

The Office Action rejected Claim 9 under 35 U.S.C. 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,089,976 to Schneider.

Applicant respectfully submits that the patentability of independent Claim 1 renders this rejection moot.

The Office Action rejected Claims 15, 20, and 25 under 35 U.S.C. 103(a) as being obvious over Piechowiak, in view of Brune, in further view of U.S. Patent No. 6,155,925 to Giobbi. Applicant respectfully submits that the patentability of independent Claims 1, 16 and 21 renders this rejection moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Adam H. Masia  
Reg. No. 35,602  
Customer No.: 29159

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